

PATENT COOPERATION TREATY

PCT

10/597450

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 0000055307	FOR FURTHER ACTION		See item 4 below
International application No. PCT/EP2005/000783	International filing date (<i>day/month/year</i>) 27 January 2005 (27.01.2005)	Priority date (<i>day/month/year</i>) 29 January 2004 (29.01.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant BASF Aktiengesellschaft			

<p>1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>																
<p>3. This report contains indications relating to the following items:</p> <table> <tbody> <tr> <td><input checked="" type="checkbox"/> Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/> Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/> Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/> Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/> Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/> Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/> Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </tbody> </table> <p>4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).</p>	<input checked="" type="checkbox"/> Box No. I	Basis of the report	<input type="checkbox"/> Box No. II	Priority	<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/> Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/> Box No. VI	Certain documents cited	<input type="checkbox"/> Box No. VII	Certain defects in the international application	<input type="checkbox"/> Box No. VIII	Certain observations on the international application
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Date of issuance of this report 03 October 2006 (03.10.2006)	
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Yolaine Cussac e-mail: pt11@wipo.int

Form PCT/IB/373 (January 2004)

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

TRANSLATION

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

(PCT Rule 43bis.1)

		Date of mailing (day/month/year)	See form PCT/ISA/210
Applicant's or agent's file reference 0000055307		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/EP2005/000783	International filing date (day/month/year) 27.01.2005	Priority date (day/month/year) 29.01.2004	
International Patent Classification (IPC) or both national classification and IPC B32B25/08, B32B25/14, B32B27/40			
Applicant BASF Aktiengesellschaft			

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I	Basis of this opinion
1.	With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item. <input type="checkbox"/> This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2.	With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of: a. type of material <input type="checkbox"/> a sequence listing <input type="checkbox"/> table(s) related to the sequence listing b. format of material <input type="checkbox"/> in written format <input type="checkbox"/> in computer readable form c. time of filing/furnishing <input type="checkbox"/> contained in the international application as filed. <input type="checkbox"/> filed together with the international application in computer readable form. <input type="checkbox"/> furnished subsequently to this Authority for the purposes of search.
3.	<input type="checkbox"/> In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4.	Additional comments:

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Box No. V	<u>Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</u>																			
<p>1. Statement</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">Novelty (N)</td> <td style="width: 50%;"><u>Claims 1-22</u></td> <td style="width: 25%; text-align: right;">YES</td> </tr> <tr> <td></td> <td><u>Claims </u></td> <td style="text-align: right;">NO</td> </tr> <tr> <td>Inventive step (IS)</td> <td><u>Claims 18-20</u></td> <td style="text-align: right;">YES</td> </tr> <tr> <td></td> <td><u>Claims 1-17 21 22</u></td> <td style="text-align: right;">NO</td> </tr> <tr> <td>Industrial applicability (IA)</td> <td><u>Claims 1-22</u></td> <td style="text-align: right;">YES</td> </tr> <tr> <td></td> <td><u>Claims </u></td> <td style="text-align: right;">NO</td> </tr> </table> <p>2. Citations and explanations:</p> <p>A Inventive step</p> <p><u>A.1</u> D1 is considered to be closest prior art and discloses a moulding, its production process and its use in the motor vehicle exterior sector as described in claims 1-5, 8-17 and 21, 22 of the present application (see claims 1-11 and [106, 109] of D1), with the difference that the outer layer is composed of an aliphatic, thermoplastic polyurethane and not, as described in D1, of a polymethyl methacrylate or a polycarbonate. The effect of this difference is that the moulding has high resistance toward scratches and chemicals. The remaining problem to be addressed then consists in providing, for the motor vehicle exterior sector, a glossy moulding which has high scratch resistance and high chemicals resistance. D3 discloses a moulding which can be used for automobile bodywork and which has an external layer composed of thermoplastic, aliphatic polyurethane with high scratch resistance and high chemicals resistance and with high gloss (column 8, lines 10-20, column 9, lines 15-20 and claims 1 and 5). A person skilled in the art would solve the abovementioned problem starting from D1 and taking the teaching of D3 into account, and would thus arrive at the subject matter of claims 1-5, 8-17 and 21, 22.</p> <p>The subject matter of claims 1-5, 8-17 and 21, 22 does not therefore represent an inventive step under PCT Article 33(3).</p> <p><u>A.2</u> Arguments similar to those under A.1 apply to the subject</p>			Novelty (N)	<u>Claims 1-22</u>	YES		<u>Claims </u>	NO	Inventive step (IS)	<u>Claims 18-20</u>	YES		<u>Claims 1-17 21 22</u>	NO	Industrial applicability (IA)	<u>Claims 1-22</u>	YES		<u>Claims </u>	NO
Novelty (N)	<u>Claims 1-22</u>	YES																		
	<u>Claims </u>	NO																		
Inventive step (IS)	<u>Claims 18-20</u>	YES																		
	<u>Claims 1-17 21 22</u>	NO																		
Industrial applicability (IA)	<u>Claims 1-22</u>	YES																		
	<u>Claims </u>	NO																		

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
matter of the current claims 6 and 7 in relation to D2 and D3.

D2 discloses a moulding, its production process and its use in the motor vehicle exterior sector, composed of a carrier layer, of a substrate, of a coloured intermediate layer, of a PMMA outer layer, and of an adhesion-promoter layer situated between substrate and carrier layer (claims 1, 2 and 7). The difference in the subject matter of claims 6 and 7, the consequent effect and the technical problem consequently remaining have been described above in A.1. The conclusion that there is no inventive step present also follows by analogy with A.1.

B Industrial application

The subject matter of claims 1-22 meets the requirements of PCT Article 33(4) in relation to industrial application.

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Reference is made to the following documents:

D1: DE 102 28 376 A1 (BASF AG) 15 January 2004 (2004-01-15)

D2: EP-A-0 847 852 (BASF AKTIENGESELLSCHAFT) 17 June 1998

D3: US-B1-6 203 915 (PRISOK FRANK ET AL) 20 March 2001
(2001-03-20)